

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HARRY DOUGHERTY, EXECUTOR OF THE
ESTATE OF GERALD DOUGHERTY, DECEASED,

Plaintiff

v.

KWLT LLC, t/d/b/a PLATINUM PLUS,

Defendant

v.

ELITE EXECUTIVE PROTECTION, LLC,

Third Party Defendant

CIVIL ACTION
NO. 17-0184

ORDER

AND NOW, this 26th day of September, 2017, upon consideration of Defendant, KWLT, LLC t/d/b/a Platinum Plus's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. No. 6), filed February 20, 2017;¹ upon consideration of Plaintiff's Brief in Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. No. 7) filed March 1, 2017; upon consideration of the Reply to Plaintiff's Opposition of Defendant, KWLT, LLC t/d/b/a Platinum Plus's Motion to Dismiss Plaintiff's Complaint (Dkt. No. 8) filed March 8, 2017; and for the reasons expressed in the foregoing Memorandum,

IT IS ORDERED that the motion to dismiss is **GRANTED** in part, and **DENIED** in part as follows:

¹ A Memorandum of Law in Support of Motion of Defendant, KWLT, LLC t/d/b/a Platinum Plus to Dismiss Plaintiff's Complaint was filed in conjunction with the motion to dismiss. See Dkt. No. 6-2.

1. The motion to dismiss is **GRANTED** insofar as Defendant KWLTL, LLC seeks to dismiss the following averments from the Complaint: Count I (Negligence) - ¶ 28(a), (i), and (j) and Count IV (Survival) - ¶ 39(a), (i), and (j).
2. In all other respects, the motion to dismiss is **DENIED**.

IT IS FURTHER ORDERED that Defendant KWLTL, LLC shall have fourteen (14) days from the date of this Order to file an answer to Plaintiff's Complaint.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge